



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

June 4, 2020

Mr. Adam S. Forman
Vice President and Secretary
EL Paso Energy E.S.T. Company as
Trustee of EPEC Oil Liquidating Trust
1001 Louisiana Street, Suite 1000
Houston, Texas 77002

RE: Wilcox Oil Superfund Site Bristow, Oklahoma

Dear Mr. Forman:

Please be advised that I am in receipt of your letter dated December 12, 2019. EPA respectfully disagrees with several of the statements made in your letter.

EPA is seeking CERCLA cost recovery against the EPEC Oil Liquidating Trust for the work it has performed and is continuing to perform at the Wilcox Oil Superfund Site. The "Trust" was created to address claims made against EPEC Oil. As you are aware, EPA is a federal regulatory agency, mandated by United States congressional authority, to address matters of environmental pollution and contamination. EPA's position is that because of specific facts present in this case and relevant Delaware caselaw, which we are prepared to discuss with you, the Agency is not time barred from making legal and equitable claims against the "Trust".

I am therefore, requesting that you and your representatives make yourself available for a remote or virtual Conference call within the next 30 days with our Wilcox Oil Superfund Site team to discuss the claims and legal basis for the claims EPA is preparing to make against the "Trust".

I think a discussion with you, your representatives and EPA will be of mutual benefit to all parties. I'm hopeful that by having a discussion we may be able to amicably resolve this matter without resorting to litigation.

Please let me know what dates and times you and your personnel can conduct a "Conference Call" with members of the Wilcox Oil Superfund team and myself.

As you may expect due to the Coronavirus (COVID-19) I am currently working unscheduled flexiplace from home but if you need to speak with me or your legal representative please feel free to call me at 214-665-3190. Your phone call to me at 214-665-3190 will automatically forwarded to me at home.

You may also email me at benton.marvin@epa.gov.

I look forward to hearing from you.

/s/ Marvin Benton
Senior Attorney